

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference		Date of mailing (day/month/year) 20 JUN 2006
International application No. PCT/IB05/50113		International filing date (day/month/year) 11 January 2005 (11.01.2005)
International Patent Classification (IPC) or both national classification and IPC IPC: G06Q 40/00 (2006.01) USPC: 705/37		Priority date (day/month/year)
Applicant WEBMAGIC VENTURES, LLC		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

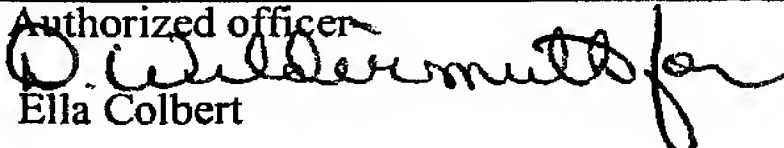
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 17 May 2006 (17.05.2006)	Authorized officer  Ella Colbert Telephone No. 571-272-6741
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB05/50113

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-25</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>5-8 and 18-25</u>	YES
	Claims <u>1-4 and 9-17</u>	NO
Industrial applicability (IA)	Claims <u>1-25</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-4 and 9-17 lack an inventive step under PCT Article 33(3) as being obvious over (US 2003/0220867 A1) Goodwin et al., hereafter Goodwin.

As per claims 1, 9, 10, and 14, Goodwin discloses, A method for use with a bidding apparatus including a computer, and with a computer-based auction system, the auction system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps of:

By the first bidder selecting a first item (page 3, col. 1 [0024] -col. 2, line 8 and page 6, col. 1 [0085]- [0087]); by the computer, obtaining information indicative of identities of second bidders other than the first bidder who previously place respective bids for the first item (page 9, col. 1 [0110]); by the computer, finding second items other than the first item for which bids have been placed by one or more of the second bidders (page 9, col. 2 [0114]); and by the first bidder, attempting to discern why the first bidder was not aware of the second item until after the auction ended (page 9, col. 1 [0012]). Goodwin did not expressly disclose by the first bidder, choosing a second item for which the first bidder was not aware of the second item until after the auction ended. It would have been obvious to one having ordinary skill in the art at the time the invention was made to by the first bidder, choosing a second item for which the first bidder was not aware of the second item until after the auction ended and to modify in Goodwin because such a modification would allow Goodwin to have chosen a second item without being aware that the auction had closed since there was not any message received that the auction was closing.

As per claims 2, 11, and 15, Goodwin discloses, wherein the step of attempting to discern comprises studying a listing classification for the second item (page 16, col. 1 [0166] -col. 1, line 5 and figure 8).

As per claims 3, 12, and 16, Goodwin discloses, wherein the step of attempting to discern comprises studying words found in a listing title for the second item (page 18, col. 1 [0186] and figures 23-29).

As per claims 4, 13, and 17, Goodwin discloses, wherein the step of attempting to discern comprises studying words found in a listing description for the second item (page 18, col. 1 [0187] -col. 2, [0190]).

Claims 5-8 and 18-25 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest obtaining information indicative of the identities of second bidders other than the first bidder who previously placed respective bids for the first item, identifying instances of a bidder bidding on an item that the user has bid on, identifying instance of a seller offering an item that the user has bid on, and if the number of instances exceeds a predetermined threshold, adding that seller to a list of sellers of interest.

Claims 1-25 meet the criteria set out in PCT Article 33(4), and thus the invention can be used in an electronic auction environment for searching for products and services to bid on and thus has industrial applicability because the subject matter claimed can be made or used in industry.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 1 and 14 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: Claim 1 lines 1-5 recites "A method for use with bidding apparatus including a computer, and with a computer-based auction system, the auction system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps of:". These lines would be better recited as "A method for use with a bidding apparatus including a computer, and with a computer-based auction system, the auction system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps of:". Claim 14, lines 8-10 recite "by the computer, obtaining information indicative of identities of second bidders other than the first bidder who previously or subsequently placed respective bids for the first item;". These lines would be better recited as "by the computer, obtaining information indicative of the identities of second bidders other than the first bidder who previously or subsequently placed respective bids for the first item;". Claim 18, line 7 has a similar defect.